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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,174	09/28/1999	ANDRES SANCHEZ	P18459	2402
7055	7590	12/13/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			DEANE JR, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/407,174	Applicant(s) SANCHEZ, ANDRES	
	Examiner William J. Deane	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2 and 4 - 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 4-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 2, 4 - 5, 11 – 12, 16, 18 and 23 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,195,568 (Irvin).

With respect to claims 1 – 2, 4, 11 – 12, 16, 18 and 23 - 24 note Abstract, Col. 2, lines 3 – 67, Col. 5, lines 1 – 8, Col. 5, lines 14 – 24 and Col. 5, lines 34 – 52.

Irvin teaches the claimed method except explicitly mentioning private telephone data. However, note Col. 2, lines 44 – 67. Obviously, Irvin is concerned about privacy. In addition, note the use of multiple telephone books and operational profiles of a user. In view of the Cols. recited above, it would have been obvious to one of ordinary skill in the art to configure a user's profile to include a public telephone book and a private telephone book. Note claim 4 of Irvin, and that account information is private data. Also, note that the profiles are stored in the telephone. In addition, note display 28. Note that users' phonebooks may include public data such as the telephone numbers of the local Pizza Hut.

With respect to claim 5, such a limitation would have been obvious to one of ordinary skill in the art if not inherent in Irvin.

Claims 6 – 10, 13 – 15, 17 and 19 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,259,908 (Austin).

With respect to claims 6 and 8 – 10, 14 – 15, 17, 19 – 22, note Col. 7, lines 20 – 64 of Austin. It would have been obvious to one of ordinary skill in the art to have incorporated such first and second modes of Austin into the Irvin device and method, as such would only entail replacing one well known security feature with another.

With respect to claims 7 and 13, note as claimed, the limitations of claim 7 and 13 are nothing more than the notoriously old call blocking or call screening. Such features have been in service for years (see Col. 1, lines 54 – 58 of Austin).

Response to Arguments

Applicant's arguments filed 09/21/2005 have been fully considered but are not deemed persuasive any error in the rejections above.

The addition, "at least one of a public call and a private call list, the public call list being accessible to any user during operation of the telephone" does not overcome Irvin. Note that once the phone is operational (that is after one supplies their password) anyone could use the phone and browse a public list and possibly another's private list, depending on a person's preference. That is, if one person supplies a password to the phone it is now operational and can hand the phone to another who at this point has access to the public data during the operation of the phone.

Other arguments made by applicant may be correct, however the amended claim does not distinguish over Irvin.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

12Dec2005


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER